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TIMES EDITORIALS

Otepka---Congress vs. State Dept.

At a season in the Congressional year when abrasion tends to increase between the Executive and Legislative branches of government, the Otepka case has come along to raise questions about how well each branch is checking and balancing the other.

So far, the case seems simple enough. Otto F. Otepka was fired from his job Tuesday as the State Department's chief security evaluations officer. His dismissal was based on charges that he had given confidential information to the Senate subcommittee on internal security in violation of department rules. Otepka had worked 27 years for State.

The decision to fire Otepka is said to have been weighed carefully by the administration. Presumably, the White House cleared the move.

And now, Sen. Thomas J. Dodd, the Connecticut Democrat and a member of the subcommittee, is asking Sen. James Eastland (D-Miss.) to call the Senate Judiciary Committee into emergency meeting to "consider the implications."

No mortal blows are likely to be struck if all the implications are brought to light. But neither the State Department nor Congress itself is likely to emerge from the case with its image enhanced.

The State Department, of course, is

more vulnerable, especially since it's on the defense. Inevitably, the way State classifies information for security will arise, although no one can say how much information is classified that should be made public.

The State Department also is vulnerable on its vast complex of rules and regulations. These are so encompassing that almost any official in a position of responsibility is likely to transgress one of them—technically—in the course of a day's business if he has any contact with the public.

Admittedly, Otepka went a bit far. But although he technically is charged with violating security, his real offense seems to have been that he gave aid and comfort to State's old enemy, Congress.

But questions will arise, too, on the Congress goes about investigating. Without some limit, Congress easily could extend its authority to the detriment of the delicate checks and balances machinery. In the Otepka case, where it can be argued that the national security was involved, did the subcommittee go too far?

Whatever the outcome, comfort can be taken from the fact that both Congress and the Executive are arguing basically over whose checks and balances is evidence that the machinery is working.